

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/986,426	KIRK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Deborah K. Ware	1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/29/05.
2. ☒ The allowed claim(s) is/are 54,57-61,64-70,73,74,95-101 and 104-107.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>4/29/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                   |
|   | 9. <input type="checkbox"/> Other _____.  |

RD

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The IDS filed March 14, 2005, is not in compliance with 37 CFR 1.97(d) and hence has been placed of record in the file.

Changed the title to – PHARMACEUTICAL COMPOSITION CONTAINING AN ACTIVE AGENT IN AN AMINO ACID COPOLYMER STRUCTURE--.

Authorization for this examiner's amendment was given in a telephone interview with J. Perez on April 29, 2005.

The application has been amended as follows:

In the abstract

Line 3, deleted "also has been",

Line 4, deleted "described",

Line 5, after "degradation" inserted –of the chemical compounds—,

Line 8, after "in" inserted –a--.

In the claims

Claim 54:

Line 3, deleted first occurrence of "polymer" and inserted –copolymer structure—and after "said amino acid" deleted "polymer" and inserted – copolymer--,

Line 6, deleted "non-polar",

Line 7, deleted "polymer" and inserted --copolymer structure--;

Claim 57:

Line 2, deleted "polymer" and inserted --copolymer structure--;

Claim 58:

Line 2, deleted "polymer" and inserted --copolymer structure--;

Claim 59:

Line 2, deleted "polymer is" and inserted --copolymer structure contains

--;

Claim 63:

Canceled;

Claim 66:

Line 2, deleted first occurrence of "polymer" and inserted --copolymer structure--and further deleted "selected from a glutamic acid polymer and a glutamic acid/tyrosine co-polymer" and inserted --a copolymer of glutamic acid and tyrosine--;

Claim 67:

Line 2, deleted "polymer" and inserted --copolymer structure--;

Claim 68:

Line 2, deleted "polymer" and inserted --copolymer structure--;

Claim 69:

Line 2, deleted "polymer" and inserted --copolymer structure--;

Claim 70:

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Line 2, deleted "polymer" and inserted –copolymer structure--;

Claim 71:

Canceled;

Claim 72:

Canceled;

Claim 73:

Line 1, deleted "polymer" and inserted –copolymer structure--;

Claim 74:

Line 1, deleted "polymer" and inserted –copolymer structure--;

Claim 75:

Canceled;

Claim 95:

Line 3, deleted first occurrence of "polymer" and inserted –copolymer structure—and after "said amino acid" deleted "polymer" and inserted –copolymer--,

Line 6, deleted "non-polar",

Line 7, after "said amino acid" deleted "polymer" and inserted –copolymer structure--;

Claim 96:

Line 2, after "said amino acid" deleted "polymer" and inserted –copolymer structure" and further changed "co-polymer" to –copolymer--;

Claim 97:

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Line 2, after "said amino acid" deleted "polymer" and inserted "copolymer structure" and further changed "co-polymer" to "copolymer--";

Claim 98:

Line 2, deleted "claim 54 or"

Line 2, after "said amino acid" deleted "polymer" and inserted "copolymer structure" and further changed "co-polymer" to "copolymer—and further deleted "glutamine" and inserted "glutamic acid--";

Claim 99:

Line 2, after "said amino acid" deleted "polymer" and inserted "copolymer structure" and further changed "co-polymer" to "copolymer—and further deleted "glutamine" and inserted "glutamic acid--";

Claim 100:

Line 2, after "said amino acid" deleted "polymer" and inserted "copolymer structure—and further changed "co-polymer" to "copolymer--";

Claim 101:

Line 2, after "said amino acid" deleted "polymer" and inserted "copolymer structure—and further changed "co-polymer" to "copolymer--";

Claim 102:

Canceled;

Claim 103:

Canceled;

Claim 104:

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Line 2, after "said amino acid" deleted "polymer" and inserted –copolymer structure—and further changed "co-polymer" to –copolymer--;

Claim 105:

Line 2, after "said amino acid" deleted "polymer" and inserted –copolymer structure—and further changed "co-polymer" to –copolymer--;

Claim 106:

Line 2, after "said amino acid" deleted "polymer" and inserted –copolymer structure—and further changed "co-polymer" to –copolymer--;

Claim 107:

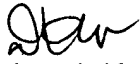
Line 2, after "said amino acid" deleted "polymer" and inserted –copolymer structure—and further changed "co-polymer" to –copolymer-- .


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Deborah K. Ware  
May 14, 2005

  
DAVID M. NAFF  
PRIMARY EXAMINER  
ART UNIT 1651